

and are guided by their desires or they hold the power to replace us and retire us at the ballot box. That is why our Founders gave courts the jurisdiction to apply and interpret the law, not to make the law up as they go along.

We need dedicated public servants who follow the statutes passed by Congress and signed by the President into law, and the Constitution representing the fundamental law of the land, and we need judges to make decisions based on what that law says, not, again, on what their preferred outcome may be.

So as the President approaches these two paths, I hope he will ignore the clamor on the left and make a choice that serves in the best interest of the American people and send us a nominee who respects the law and the limited role of a judge in our political system, because a judge is not supposed to substitute his or her opinion for that of the elected representatives of the people.

And surely the Constitution itself is the fundamental law of the land. And, as Chief Justice Marshall said in *Marbury v. Madison*, the decisions of the Court interpreting that Constitution are the last word.

But what we need is what Chief Justice Roberts called humility; that judges understand their important but limited role under our form of government not to supersede the policy judgments of the elected officials just because they can because they are the last word. We need judges who will demonstrate that sort of humility, who understand that, yes, they have a tough and important job to do but that it is within certain guardrails and limitations about what that role should be.

As the President looks down these two divergent paths, I hope he will ignore the clamor on the left and make a choice that serves the best interest of the American people. And he would do that by choosing a mainstream nominee.

The President promised during his campaign to nominate an African-American woman to the Supreme Court, making that a historic first. As the President weighs his decision, I want to remind him and our Senate colleagues that diversity extends far beyond just gender and skin color. We need a diversity of education, background, and experience.

For example, all of the current Justices on the Court but one were educated at Ivy League colleges and universities. In fact, when Justice Barrett was confirmed, she became the first sitting Justice to attend a law school other than Harvard or Yale. It is true that the current Justices largely hail from coastal metropolitan areas, and one-third of the sitting Justices have previously served on the DC Circuit Court of Appeals.

So I agree that diversity on the highest Court in the land is a valuable asset, and I encourage the President to consider nominees that can bring unique experiences, education, and

viewpoints of all types to the Supreme Court.

Whoever the President chooses will be evaluated based on their qualifications, experience, and ability to separate politics from the rule of law. That is the job of the Senate Judiciary Committee, on which I am proud to serve.

I presume we would treat any nominee—regardless of ethnicity, race, or gender—exactly the same in extending to them a respectful and dignified process. Certainly, no nominee is going to get points, so to speak, toward their confirmation vote because they are of a particular race, ethnicity, or gender. Each nominee will be thoroughly vetted and questioned, just as prior nominees have been.

But unlike some of the mudslinging that we saw during the confirmation of Justice Kavanaugh, I expect this process to be fair and dignified. We must be careful, thorough, and comprehensive because the American people and the institution of the Supreme Court deserve nothing less.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Pursuant to Rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 655, Bridget Meehan Brennan, of Ohio, to be United States District Judge for the Northern District of Ohio.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Gary C. Peters, Robert P. Casey, Jr., Sheldon Whitehouse, Martin Heinrich, Sherrod Brown, Patty Murray, Tammy Duckworth, Tim Kaine, Elizabeth Warren, Mazie Hirono, Alex Padilla, Tina Smith, Christopher A. Coons, Amy Klobuchar, Jon Tester.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Bridget Meehan Brennan, of Ohio, to be United States District Judge for the Northern District of Ohio, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. LUJÁN) and the Senator from Georgia (Mr. OSSOFF), are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator

from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kansas (Mr. MORAN), the Senator from Utah (Mr. ROMNEY), the Senator from Florida (Mr. RUBIO), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 12 Ex.]

#### YEAS—61

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hickenlooper	Rounds
Booker	Hirono	Sanders
Brown	Hyde-Smith	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Capito	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Collins	Markey	Van Hollen
Coons	McConnell	Warner
Cornyn	Menendez	Warnock
Cortez Masto	Merkley	Warren
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wicker
Feinstein	Murray	Wyden
Gillibrand	Padilla	Young
Graham	Peters	
Grassley	Portman	

#### NAYS—30

Blackburn	Ernst	Marshall
Blunt	Fischer	Paul
Boozman	Hagerty	Risch
Braun	Hawley	Sasse
Cassidy	Hoeven	Scott (FL)
Cotton	Inhofe	Scott (SC)
Cramer	Johnson	Shelby
Crapo	Lankford	Thune
Cruz	Lee	Toomey
Daines	Lummis	Tuberville

#### NOT VOTING—9

Barrasso	Moran	Rubio
Kennedy	Ossoff	Sullivan
Luján	Romney	Tillis

The PRESIDING OFFICER (Mr. HEINRICH). On this vote, the yeas are 61, the nays are 30.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Oregon.

#### BURMA

Mr. MERKLEY. Mr. President, when freedom and democracy are threatened, we have a responsibility in this body of the U.S. Senate to speak up and speak out. It doesn't matter if it is a challenge here at home or if it is happening somewhere else around the globe; we cannot remain silent.

For the past year, Burma has been descending into chaos, violence, and authoritarian military rule. So I have come to the floor here tonight, the anniversary of the Burmese military's illegal coup overthrowing the nation's democratically elected government, to call on all of my colleagues to join me in passing S. Res. 35, a resolution condemning this desecration of democracy in Burma and a year of atrocities that have followed, and urging our allies around the world to join us in doing so.

I also urge this body to pass the BURMA Act, which will give President Biden the tools he needs to apply pressure to try to reverse this coup and help restore democracy.

For those who are not aware of the situation in Burma, a year ago, the